

Appl. No. : 09/213,138
Filed : December 16, 1998

REMARKS

In the Office Action mailed on February 9, 2005 (the "Office Action"), the Examiner maintained prior rejections of Claims 1-25.

The Examiner at that time, Mr. Steven Wasylchak, requested an interview upon Applicant's receipt of the Office Action. Upon receiving the Office Action, Applicant contacted the Examiner and attempted to schedule the Interview. Examiner Wasylchak explained to Applicant that he would be leaving the U.S. Patent and Trademark Office and that an interview should be scheduled with the Examiner who would take over the examination of this application. Applicant undertook to do just that and, after determining to whom the application had been assigned, scheduled the April 22, 2005 interview with Examiner Havan, as summarized above.

In the Office Action, Examiner Wasylchak suggested that, with respect to Applicant's claims, the strong programming aspects should be clarified and differentiated from the business method aspects of the application. The Examiner's suggestion shows that Applicant has not sought to claim a "business method" in the abstract. To the contrary, Applicant has particularly claimed inventions as useful systems, methods, files and computer readable media having narrowly-focused, concrete limitations such as a "dynamic page file" that includes very particularized instructions. Applicant submits that the claimed inventions cannot and should not be characterized as "business method" claims.

This application has been pending for 5 and ½ years. Throughout that time, no prima facie case of unpatentability has ever been made. Twice the Examiner foreclosed a pending appeal by re-opening examination to reject claims based on prior art that did not teach, disclose or suggest Applicant's claims.

All of the pending claims, Claims 1-25, are presently rejected under 35 U.S.C. § 103 as being obvious in view of U.S. Patent No. 4,992,940 to Dworkin ("Dworkin") and/or U.S. Patent No. 6,490,567 to Gregory ("Gregory"), including reliance upon the Microsoft Computer Dictionary and/or Official Notice (relied upon at least 15 times). As Applicant pointed out in the September, 2004 Amendment: 1) The detailed limitations in Applicant's claims are not taught, disclosed or suggested in any of the prior art of record; and 2) There is no evidence of any motivation or suggestion to combine the selected prior art references.

Appl. No. : 09/213,138
Filed : December 16, 1998

A. Contrary To Examiner's View, Applicant Bears No Burden To Prove Hindsight

The Examiner stated in the Office Action that "Applicant has the burden to prove hindsight: the [sic] he knew what was going through the Examiner's mind when analyzing the case." Office Action at 2. That incorrectly states the law. Even assuming a combination of prior art references teaches all the limitations in a patent claim, it is not proper to combine prior art references unless there is evidence showing that one of ordinary skill in the art would have been motivated to combine the selected prior art references. Thus, a *prima facie* case of obviousness based upon a combination of prior art references must include evidence of a motivation to combine the selected prior art references. The requirement for evidence of a motivation to combine prior art references prevents what would otherwise be an improper use of "hindsight" gained from Applicant's claims to select piecemeal from prior art references to try to re-create Applicant's claim. In sum, Applicant bears no burden to prove hindsight. Rather, it is the Examiner who must offer evidence of a motivation to combine the selected prior art references and thereby demonstrate that hindsight was not used to select the prior art references. That has not been done in this case, despite the fact that the cited prior art references do not teach, disclose or suggest the limitations in Applicant's claims.

B. The Cited Prior Art References Do Not Teach Or Suggest The Limitations In Applicant's Claims

All of the pending claims, Claims 1-25, have been rejected under 35 U.S.C. § 103 for being, in the Examiner's opinion, obvious. Under, *Graham v. John Deere*, 383 U.S. 1, 17-18, 86 S.Ct. 684, 693 (1966), the determination of obviousness requires an assessment of four factors: (1) the scope and content of the prior art; (2) the differences between the subject matter of the pending claims and the prior art; (3) the level of ordinary skill in the art; and (4) any secondary considerations of non-obviousness. The last two factors, (3) and (4), have played no role in the examination of Applicant's claims.¹ Therefore, any objection that the Examiner has ever made under 35 U.S.C. § 103, could have been supported only by examining the differences in the prior art and the claimed invention. At present, no combination of prior art references has come close to teaching or suggesting the inventions of the pending claims. Applicant maintains that the

¹ Applicant maintains its right to submit evidence of non-obviousness at its discretion.

Appl. No. : 09/213,138
Filed : December 16, 1998

differences between the prior art and the pending claims are simply the detailed limitations of the claims themselves.

As stated in the September, 2004 Amendment, Applicant presumes that all prior rejections have been withdrawn, and that the present rejections are limited to those stated in the Office Action. In summary, the Examiner has maintained rejection of pending Claims 1, 7, 11, 14, 15, 22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Dworkin in view of Gregory. The Examiner has likewise maintained rejection of Claims 2-6, 8-10, 12, 13, 16-21, 23 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Dworkin. Office Action at 14. For the reasons provided below, Applicant respectfully requests that the Examiner withdraw the rejections of pending Claims 1-25.

1. **Claim 1 Is Allowable Over Dworkin, Alone Or In Combination With Gregory and Official Notice**

Claim 1 reads as follows:

1. A system for browsing products using competitor information, the system comprising:

 a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium;

 a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium; and

 a product information server responsive to a customer request for said electronic store page to access said dynamic page file, to process said instructions and to provide said electronic store page to said customer, said product information server running on a computer operably connected to said computer readable medium.

A limitation-by-limitation analysis of the rejection shows that Dworkin, alone or in combination with Gregory and Official Notice, does not render obvious Claim 1.

Appl. No. : 09/213,138
Filed : December 16, 1998

a. Dworkin, Alone Or In Combination With Gregory, Does Not Disclose The Product Database Of Claim 1

The Examiner first addressed the following portion of Claim 1: **a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium.** In arguing that this portion of Claim 1 is obvious, the Examiner cited to Dworkin's abstract and Figures 1 ("database"), 2B ("view supplier"), 3 ("competitor and manufacturer"), 6 ("competitor product, price association") and 7.²

Applicant maintains that Dworkin, at a minimum, fails to teach or suggest the **"third data representing an association between said product and said competing product."** Figure 1 of Dworkin shows a box labeled "database" 3 which contains "information about products and/or services, and the vendors who sell them." *Dworkin*, 3:65-66. It does not contain a product database that includes "third data representing an association between said product and said competing product.

Figure 2B is a flow chart showing a box labeled "view suppliers?" 53, which is a test for determining "whether the user has chosen to view the suppliers of *the selected product.*" *Dworkin*, 7:17-18. (emphasis added). Again, this does not suggest a product database that includes data representing an association between a product and a competing product.

Figures 3, 6 and 7 show submenus, none of which disclose, teach or suggest a product database having the claimed "third data representing an association between said product and said competing product." Figure 3 shows a main menu of product categories. Figure 6 shows a list of particular printer-type products, but fails to teach or suggest a product database that includes data representing an association between a product and a competing product. Figure 7 shows a list of three sources for the identical printer-type product (see "supplier information for ACME PRINTER CO. 1800"). Thus, Figure 7 does not teach or suggest a product database that includes data representing an association between a product and a competing product.

² References to column and line numbers have the format c:l-l or c:l-c:l. Thus, for example, a reference to text at column 1, lines 53-69 is represented herein as 1:53-69, and a reference to text at column 3, line 60 to column 4, line 2 is represented as 3:60-4:2.

Appl. No. : 09/213,138
Filed : December 16, 1998

Applicant studied Dworkin in its entirety and found no disclosure of the claimed product database. Further, the Examiner failed to identify any part of Gregory or any other reference that teaches or suggests the claimed product database. Applicant respectfully submits that, for this reason alone, the Examiner should withdraw the rejection of Claim 1 under 35 U.S.C. § 103.

b. Dworkin, Considered Alone Or In Combination With Gregory, Does Not Disclose The Dynamic Page File Of Claim 1 Or Its Query Parameter

The Examiner next addressed the portion of Claim 1 that reads: **a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium.** The Examiner cited Figures 2A (items 23, 25, 27, 29, 35, 37 and 40), 2B (items 47: “product” and 51: “product”) and 6 (1: “investigate product implies a query possibility”) as well as the text at 5:43-50 (“screen display as a questionnaire”), 7:10-65 and 8:9-20.

Applicant disagrees, and maintains that the cited portions of Dworkin fail to teach or suggest either the recited query parameter or dynamic page file. Figures 2A and 2B are flow charts describing how user selections from one menu lead to the display of the next submenu. The items in Figure 2A cited by the Examiner in the Office Action represent:

- a. the display of a main menu
- b. accepting a selection
- c. testing whether a product search was selected
- d. the display of a menu of product types
- e. the display of a template of technical criteria
- f. accepting a selection of the technical criteria
- g. displaying products

The items in Figure 2B cited by the Examiner in the Office Action represent:

- h. a test whether to investigate product
- i. a display of a choice to receive more information about the product

Appl. No. : 09/213,138
Filed : December 16, 1998

This sequence of items from Figures 2A and 2B does not teach or suggest, at a minimum, **using data representing a competing product as a query parameter to obtain data representing a product**, nor does it disclose any instructions for such use in a dynamic page file. The cited portions of Dworkin fail to teach a “dynamic page file,” or, in fact, a “file” of any kind.

Applicant has carefully reviewed Dworkin in its entirety and has found no teaching or suggestion of using data representing a competing product as a query parameter to obtain data representing a product.

The Examiner stated that with respect to the recited product database, “Dworkin does not explicitly teach a query parameter.” The Examiner then argued that Gregory teaches a query parameter at 8:3-18 and 9:55-67. The Examiner next suggested that it would have been obvious to implement “this feature of a query parameter for the advantage of determining minimum cost or product options or sizes or warranties.”

Applicant respectfully disagrees. Gregory does not teach the recited query parameter subject matter of Claim 1. Applicant has studied the text at 8:3-18 of Gregory and it merely refers to allowing a purchaser to view “product and merchant information by predetermined category . . .” or to conduct a boolean or natural language search of the commerce database. *Gregory* at 8:3-12. Similarly, the text at 9:55-67 offers pseudo-code of the invention in Gregory and again fails to teach or suggest Applicant’s claimed invention. Thus, Applicant respectfully submits that neither Gregory nor Dworkin teaches a query parameter as recited in Claim 1.

The Examiner also cited Figure 6, indicating an item called “investigate product.” But, as Figure 2B shows, that choice simply allows a number representing a product to be used in a search to find out who supplies the same product (see item 53 of Fig. 2B), or to view product specifications for the same product (see item 67 of Fig. 2B). Applicant could find no support for the Examiner’s assertion that “investigate product implies a query possibility.” Moreover, to imply a possibility is a standard well short of teaching that must be provided by a prior art reference. The teaching from the cited references is that “Investigate product” means discovering suppliers for the same product or learning about specifications for the same product. In no sense does Figure 6 teach or suggest using data **representing a competing product** as a query parameter to obtain data representing a product.

Appl. No. : 09/213,138
Filed : December 16, 1998

Finally, the Examiner cited the text of Dworkin at 8:9-20. Applicant has studied that text and found that it merely refers to determining whether a user has ordered a product, and then prompting the user for pieces of information such as the supplier, user's name and address and credit card number. *Dworkin* at 8:9-20. That is followed by an indication that the system could be programmed to obtain even more -- but unspecified -- information from the user. *Id.*

The Examiner stated that "Dworkin does not explicitly teach a dynamic page file." Not only does the prior art not teach a dynamic page file, it does not come close to teaching the particular dynamic page file of Applicant's claim. The Examiner resorts to taking Official Notice that a dynamic page file is old and well known in the commerce arts. **The Examiner improperly takes "dynamic page file" out of the context of Claim 1 and ignores the recited "instructions" included in Applicant's dynamic page file.** The Examiner's reliance on such Official Notice is thus immaterial to the subject matter of Claim 1. Even if "dynamic page files" were well known, that notion does not show how or why the dynamic page file recited in the context of Claim 1 would somehow have been obvious. Applicant respectfully maintains that the dynamic page file as recited and described in Claim 1 would not have been obvious. For that reason, and all the reasons provided as to why Dworkin, alone or in combination with Gregory, does not teach or suggest each and every limitation of Claim 1, Applicant submits that Claim 1 would not have been obvious. In particular, for example, Dworkin considered in view of Gregory and the Official Notice, fails to teach or suggest a dynamic page file including instructions to use the recited second data as a query parameter to obtain the recited first data. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 1 under 35 U.S.C. § 103.

Importantly, even if the references cited by the Examiner taught each and every limitation of Claim 1 -- which they do not -- the Examiner has still failed to identify any suggestion or motivation in the prior art to combine Dworkin, Gregory and the Official Notice relied upon in the Office Action to reject Claim 1 under 35 U.S.C. § 103(a). It is well settled that a claim may not be rejected as obvious in view of a combination of references unless there is evidence that the prior art itself includes some suggestion or motivation to combine those references or those of ordinary skill knew to combine them. *In re Jones*, 958 F.2d 347 (Fed. Cir. 1988). Here, the Examiner provided no such evidence. Certainly, Applicant's patent application may not be used

Appl. No. : 09/213,138
Filed : December 16, 1998

as a basis for the motivation to combine or modify the prior art to arrive at the claimed invention. *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572 (Fed. Cir. 1984).

Also importantly, the Examiner has impermissibly used Applicant's claims as blueprints to search piecemeal through the prior art to attempt to reconstruct the subject matter of Applicant's claims. The U.S. Court of Appeals for the Federal Circuit has repeatedly rejected such attempts to use hindsight to show the obviousness of a patent claim. *In re Gorman*, 933 F.2d 982 (Fed. Cir. 1991) ("As in all determinations under 35 U.S.C. section 103, the decisionmaker must bring judgment to bear. It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps.").

Applicant respectfully points out that the Examiner has engaged in exactly the type of piecemeal, hindsight reconstruction of Applicant's invention that the Federal Circuit has prohibited. For at least the reasons stated above, Applicant respectfully maintains that Dworkin, considered alone or in combination with Gregory and Official Notice, fails to disclose, teach or suggest the claimed dynamic page file. Applicant respectfully maintains that the Examiner should withdraw the rejection to Claim 1 under 35 U.S.C. § 103.

2. Claim 7 Is Allowable Over Dworkin, Considered Alone Or In Combination With Gregory

Claim 7 reads as follows:

7. A method for locating information about a product using information about a corresponding product, said method comprising the steps of:

transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file;

receiving with said customer browser said corresponding product hyperlink;

displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink; and

Appl. No. : 09/213,138
Filed : December 16, 1998

responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier.

The Examiner rejected Claim 7 as being obvious over Dworkin in view of Gregory. But a limitation-by-limitation analysis shows that Dworkin, considered alone or in combination with Gregory, does not teach or suggest each and every limitation of Claim 7 and therefore does not render it obvious..

Claim 7 recites transmitting at least one corresponding hyperlink, “**said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file.**” The Examiner again cited Dworkin at Figures 1, 2A, 3, 4 and 6 and the Dworkin text at 2:19-42. Each of those Figures simply discloses a menu list of product categories or products. There is no disclosure of Applicant’s recited corresponding product hyperlink. The cited text at column 2 refers to a “number, or other designator” which can be used to obtain more information. When the user selects the number or designator, the system, according to Dworkin, provides information about suppliers and prices for the product. But there is no disclosure in Dworkin of any corresponding product hyperlink that is operatively associated with both a corresponding product identifier representing a corresponding product and also a page file identifier representing a corresponding product page file. Dworkin does not teach or suggest Applicant’s recited corresponding product hyperlink.

In further support of the argument that Dworkin teaches the recited corresponding product hyperlink, the Examiner cited Dworkin at Figure 1. Figure 1 of Dworkin plainly offers no teaching whatsoever of any hyperlink or any association with a product identifier. Figure 1 is a block diagram showing the general arrangement of the components of the Dworkin system. Nothing in Dworkin discloses, teaches or suggests Applicant’s recited corresponding product hyperlink that is operatively associated with both a corresponding product identifier representing a corresponding product and also a page file identifier representing a corresponding product page file.

Further, the Examiner stated that “Dworkin does not explicitly teach the operative association with a page file identifier representing a corresponding product page file.” The Examiner argued, however, that such teaching is provided in Gregory, 3:41-44, 3:65-4:9

Appl. No. : **09/213,138**
Filed : **December 16, 1998**

(“merchant content abstract as product page file”) and 5:3-21 (“product abstract”). Applicant has reviewed the cited sections but can discern no teaching of the recited operative association. The cited text at 3:41-44 describes Figure 10 of the Gregory application, i.e. “a merchant content abstract edit interface that shows a list of products in the commerce database” The cited text at 3:65-4:9 describes the merchant data which includes, among other things, information about warranty, guarantee, and merchandise return information. “Merchant content data includes information that comprises an electronic catalog of the merchant’s products.” Finally, the cited text at 5:3-21 merely notes that the product abstract contains a subset of the information found on the content server. Again, Applicant respectfully maintains that the Examiner has not shown any teaching in any prior art of Applicant’s recited product hyperlink having the recited associations.

Claim 7 also recites, among other things, **“receiving with said customer browser said corresponding product hyperlink.”** The Examiner again cited Figures 2A (item 29), 2B (items 42, 47, 51), 6 and 8 to argue that Dworkin discloses the above subject matter. Applicant has again reviewed those figures and the cited sections and can discern no disclosure of the subject matter. Rather, the cited figures and sections relate only to displaying menus of product categories and products, and not at all to any receiving with a customer browser of the recited corresponding product hyperlink. Applicant maintains that Dworkin does not disclose, teach or suggest this limitation of Claim 7.

Claim 7 also recites **“displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink.”** The Examiner failed to address this limitation of the claim. None of the cited portions of Dworkin in this or any past office action, nor any other part of Dworkin, discloses, teaches or suggests displaying information identifying a product, a portion of the displayed information selectable to activate the recited corresponding product hyperlink. Applicant maintains that Dworkin does not disclose, teach or suggest this limitation of Claim 7.

Finally, Claim 7 recites **“responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier.”** Once again, the Examiner failed to address this claim limitation. Neither the cited portions of Dworkin from past office actions, nor any other portions of Dworkin, disclose, teach or suggest responding to a selection by transmitting a corresponding

Appl. No. : 09/213,138
Filed : December 16, 1998

product page file and by transmitting a product identifier that represents a corresponding product. Thus, Applicant maintains that Dworkin does not disclose, teach or suggest this limitation either.

In sum, Dworkin, considered alone or in combination with Gregory, does not disclose, teach or suggest each and every limitation of Claim 7. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 7 under 35 U.S.C. § 103.

3. **Claim 11 Is Allowable Over Dworkin, Considered Alone Or In Combination With Gregory**

Claim 11 reads as follows:

11. An e-store dynamic page file comprising:

static content including content identification tags which may be interpreted to format said content;

script components including:

connection instructions to establish a connection to a product database;

query instructions to query said product database using a search key provided to said query instructions as a parameter, and to thereby obtain a recordset including at least one record, each of said at least one records including information about competing products; and

hyperlink creation instructions to create a hyperlink for each of said at least one records, each hyperlink referencing a corresponding product page file for transmitting information about a corresponding product, each hyperlink including an identifier representing a corresponding product.

Claim 11 recites a dynamic page file comprising “**static content including content identification tags which may be interpreted to format said content.**” To argue that Dworkin teaches that limitation, the Examiner cited to Dworkin at 2:19-36, 7:37-53 and Figure 3. Applicant maintains there is no indication or suggestion in Dworkin that any characters or other content in Figure 3 result from any interpretation of content identification tags or any other kind of formatting instructions. Rather, the content of Figure 3 consists simply of text characters that are displayed with no formatting at all. Thus, Applicant respectfully submits that there is no disclosure anywhere in Dworkin of any content identification tags that may be interpreted to format content, and thus Dworkin does not teach or suggest this limitation.

Appl. No. : 09/213,138
Filed : December 16, 1998

Thus, Applicant respectfully maintains that there is no teaching or suggestion anywhere in Dworkin of any content identification tags that may be interpreted to format content.

Claim 11 further recites a dynamic page file comprising script components which include “**connection instructions to establish a connection to a product database.**” To argue that Dworkin teaches such connection instructions, the Examiner cited to Dworkin’s abstract and to its text at 2:19-36 and 7:37-53. Those portions of Dworkin indicate a computer that is linked to a database and a search of a database for products and services. But Dworkin nowhere teaches or suggests connection instructions to establish a connection to a product database, where the connection instructions are included in script components that are, in turn, included in a dynamic page file. Applicant maintains that Dworkin does not teach or suggest this subject matter.

Claim 11 also recites a dynamic page file comprising script components which include “**hyperlink creation instructions to create a hyperlink for each of said at least one records, each hyperlink referencing a corresponding product page file for transmitting information about a corresponding product, each hyperlink including an identifier representing a corresponding product.**” In support of the argument that Dworkin teaches the recited hyperlink creation instructions, the Examiner cited only to certain Figures of Dworkin, namely Figures 2A (items 23-37), 2B (items 41-55), 6, 7 and 8. Applicant has reviewed these Figures in detail, and can find no teaching or disclosure of any hyperlink creation instructions, and particularly no teaching or suggestion of such instructions that create a hyperlink for each of a set of records (each record including information about competing products), each hyperlink referencing a corresponding product page file for transmitting information about a corresponding product, and each hyperlink including an identifier representing a corresponding product. Rather, the Figures cited by the Examiner merely refer to the acceptance of information describing a product category and specifications for a product and the display of suppliers of products having the provided specifications as well as the display of additional specifications of a chosen product.

Applicant notes that the Examiner cited to the same Figures of Dworkin as disclosing additional subject matter of Claim 11, namely the recited “**query instructions . . . to thereby obtain a record set including at least one record, each of said at least one records including information about competing products.**” As Applicant noted in Paper #15, those cited Figures of Dworkin (Figures 2A, 2B, 6 and 8) fail to teach or suggest (1) obtaining a record set, where

Appl. No. : 09/213,138
Filed : December 16, 1998

each record includes information about competing products and also fail to teach or suggest (2) instructions to create a hyperlink for each of those records, where each hyperlink references a corresponding product page file for transmitting information about a corresponding product, and where each hyperlink includes an identifier representing a corresponding product. The Examiner attempted to buttress his rejection by further citing additional portions of Dworkin, 5:43-50 (“screen display implies a questionnaire”), 7:10-65; 8:9-20, and 1:13-28. Applicant has reviewed these additional portions of Dworkin and has confirmed that Dworkin fails to teach any dynamic page file having script components that include the recited query instructions. Applicant maintains that Dworkin fails to teach or suggest, at a minimum, this limitation of Claim 11.

Agreeing that Dworkin fails to teach the recited query instructions, the Examiner argued that Gregory provides such teaching at 8:3-18 and 9:55-67. However, Applicant has reviewed the cited text of Gregory and has been unable to discern any teaching or suggestion of Applicant’s recited query instructions in any script component of any dynamic page file. Gregory fails to teach or suggest “query instructions . . . to thereby obtain a record set including at least one record, each of said at least one records including information about competing products.”

Thus, Applicant maintains that Dworkin, considered alone or in combination with Gregory, does not teach or suggest each and every limitation of Claim 11, and thus does not render obvious Claim 11. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 11 under 35 U.S.C. § 103.

4. **Claim 14 Is Allowable Over Dworkin, Considered Alone Or In Combination With Gregory**

Claim 14 reads as follows:

14. A system for locating information about products, said system comprising:
 - associating means for storing an association between a product and a corresponding product;
 - requesting means responsive to an identification of said product to request information about said corresponding product;

Appl. No. : 09/213,138
Filed : December 16, 1998

query means for using said identification of said product to access said associating means and to thereby obtain said information about said corresponding product;

information assembly means responsive to said request to invoke said query means and to format said information about said corresponding product; and

transmitting means for presenting to a customer said formatted information about said corresponding product.

One of the limitations recited by Claim 14 is **“requesting means responsive to an identification of said product to request information about said corresponding product.”**

Dworkin fails to teach or suggest that limitation. The Examiner argued, however, that Dworkin does disclose that limitation, and, to support that argument cited to Dworkin’s abstract and the text at 2:6-24. But Dworkin’s abstract discloses nothing responsive to an identification of a product to request information about a corresponding product. The cited text from column 2 discloses that a user “must first tell the system the general type of product or service desired.” After the user has done so, according to Dworkin, the system presents a template for the user to fill in and thus “tell the system the criteria to be deemed minimum requirements.” Then the Dworkin system searches the database for all products or services which “fulfill the minimum requirements.” The cited text goes on to say that the system associates a number with each product that can be used to obtain more information. Using the number, the user may obtain a list of suppliers for the product, the best prices for the product or more detailed information about the product. But nowhere in column 2 or anywhere else does Dworkin disclose, teach or suggest any means responsive to an identification of one product to request information about a corresponding product. Applicant respectfully maintains that Dworkin fails to teach or suggest that limitation.

Agreeing that Dworkin fails to teach the recited query means, the Examiner argued that Gregory provides such teaching at 8:3-18 and 9:55-67. The Examiner then went on to suggest that it would have been obvious to implement “this feature [sic] a query parameter for the advantage of determining minimum cost or product options or sizes or warranties.” Applicant respectfully disagrees. Gregory does not teach the recited query means subject matter of Claim 14. Applicant has studied the text at 8:3-18 of Gregory and it merely refers to allowing a purchaser to view “product and merchant information by predetermined category . . .” or to conduct a boolean or natural language search of the commerce database. *Gregory* at 8:3-12.

Appl. No. : 09/213,138
Filed : December 16, 1998

Similarly, the text at 9:55-67 offers pseudo-code of the invention in Gregory and again fails to teach or suggest Applicant's claimed invention. Thus, Applicant respectfully maintains that neither Gregory nor Dworkin teaches a query means as recited in Claim 14.

Because Dworkin, considered alone or in combination with Gregory, fails to teach or suggest the "requesting means" and the "query means" recited in Claim 14, Applicant respectfully maintains that they do not render obvious Claim 14. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 14 under 35 U.S.C. § 103.

5. Claim 15 Is Allowable Over Dworkin, Alone Or In Combination With Gregory

Claim 15 reads as follows:

15. A product browsing system comprising:
 - a server computer having a network connection;
 - a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database residing on a computer readable medium of the server computer; and
 - a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said electronic store page transmitted via said network connection.

One of the limitations recited in Claim 15 is "**a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database residing on a computer readable medium of the server computer.**" In support of the argument that Dworkin teaches the recited product database, the Examiner cited Dworkin's abstract and Figures 1 (3), 2B (47,53,67), 3 (1.2.), 6 (model, low price, avg. price, list price) and 7(supplier, price, quantity). In addition, the Examiner cited to Dworkin's text at 1:53-68 and 3:60-4:2.

Dworkin, at a minimum, fails to teach or suggest the “third data representing an association between said product and said competing product.” Figure 1 of Dworkin shows a box labeled “database” 3 which contains “information about products and/or services, and the vendors who sell them.” *Dworkin*, 3:65-66. It does not contain a product database that includes “third data representing an association between said product and said competing product.

Figure 2B is a flow chart showing a box labeled “view suppliers?” 53, which is a test for determining “whether the user has chosen to view the suppliers of *the selected product*.” *Dworkin*, 7:17-18. (emphasis added). The additional cited portions of Figure 2B, “investigate product?” 47 and “view product specifications?” 67 are similarly inapposite. “Investigate product?” 47 is a test for determining “whether the user wants to investigate the product retrieved in the search.” *Id.*, 6:59-60. “View product specifications?” 67 is a test for determining “whether the user has chosen to view product specifications.” *Id.*, 8:60-61. Again, none of these cited portions of Dworkin teach or suggest a product database that includes data representing an association between a product and a competing product.

Figures 3, 6 and 7 show submenus, none of which teach or suggest a product database having the claimed “third data representing an association between said product and said competing product.” Figure 3 shows a main menu of product categories. Figure 6 shows a list of particular printer-type products, but fails to teach or suggest a product database that includes data representing an association between a product and a competing product. Figure 7 shows a list of three sources for the identical printer-type product (see “supplier information for ACME PRINTER CO. 1800”). Thus, Figure 7 does not teach or suggest a product database that includes data representing an association between a product and a competing product.

Dworkin’s abstract and text at 1:53-68 and 3:60-4:2 similarly fails to support the Examiner’s argument that Dworkin teaches or suggests the recited product database. Those portions of Dworkin indicate a computer that is linked to a database and a search of a database for products and services. But Dworkin nowhere discloses using third data representing an association between a product and a competing product. Applicant maintains that Dworkin does not disclose, teach or suggest that subject matter.

In addition, the Examiner stated that “Dworkin does not explicitly teach a dynamic page file.” The Examiner then argued that Gregory teaches a dynamic page file at 5:3-21, 5:34-46, 6:25-30, 6:39-60 and 8:26-53. Applicant respectfully disagrees. Gregory does not teach the recited dynamic page file subject matter of Claim 15. Applicant has studied the text of Gregory at 5:3-21 and it refers to providing an abstract with “a brief representation of content server data sufficient to enable the user to make an informed decision as to whether to seek additional information from the appropriate content server.” *Gregory* at 5:15-18. This section fails to teach or suggest Applicant’s recited dynamic page file. The text at 5:34-46 is a written description of Figure 7, one embodiment of the Gregory invention that allows merchants to manually add additional products to the system. Again, this section too fails to teach or suggest Applicant’s recited dynamic page file. The text at 6:25-30 notes that it is possible for the merchant to specify another URL other than the merchant’s content server URL on the abstract interface screen. The text at 6:39-60 describes a method of identifying a product or list of matching products for editing purposes. “The merchant may specify an exact product to edit by completely specifying its SKU. . . .” *Id.* at 6:39-40. “Alternatively, he may include wildcard characters in the SKU and a list of matching products sold by that merchant will be displayed.” *Id.* at 6:43-45. Finally, “the merchant may request a listing by manufacturer, category *or* product name. In each of these cases, the e-commerce server searches for and presents a list of products.” *Id.* at 6:50-53. (emphasis added) Nowhere in this text does Gregory teach or suggest “a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said electronic store page transmitted via said network connection.” Finally, the text of Gregory at 8:26-53 notes that a purchaser can select a merchant and is redirected to a website illustrating products offered by the merchant. Applicant has reviewed Gregory in its entirety, including the above cited sections and has been unable to find any teaching or suggestion of a dynamic page file as recited in Claim 15.

Thus, because Dworkin, considered alone or in combination with Gregory, fails to teach or suggest all of the limitations as recited in Claim 15, Applicant respectfully maintains the cited references do not render obvious Claim 15. Applicant thus respectfully requests that the Examiner withdraw the rejection of Claim 15 under 35 U.S.C. § 103.

Appl. No. : 09/213,138
Filed : December 16, 1998

6. Claim 22 Is Allowable Over Dworkin, Alone Or In Combination With Gregory and Official Notice

Claim 22 reads as follows:

22. A method for obtaining information about a product using a competitor product hyperlink, the method comprising:

associating competitor product identification information as a displayable component of a competitor product hyperlink, the competitor product identification information displayable on a computer screen to identify a first product;

associating a product page file identifier as a parameter of the competitor product hyperlink, the product page file including information that describes a second product that corresponds to and competes with the first product;

displaying the competitor product identification information on a computer screen;

selecting at least a portion of the displayed competitor product identification information; and

responding to the selection by issuing a request for the product page file.

The Examiner cited Dworkin at 2:6-33 to argue that “Dworkin teaches information that describes a second product that corresponds to and competes with the first product the competitor product hyperlink.” The Examiner’s argument is flawed in at least two ways. First, Applicant notes that Claim 22 does not recite “information that describes a second product that corresponds to and competes with the first product the competitor product hyperlink.” As such, the Examiner’s argument is immaterial to any argument that Dworkin teaches the recited claim limitations in Claim 22. Second, Applicant has reviewed the cited text and respectfully maintains that the text does not teach or suggest at the least “associating a product page file identifier as a parameter of the competitor product hyperlink, the product page file including information that describes a second product that corresponds to and competes with the first product.” Rather, the cited text teaches that a user “must first tell the system the general type of product or service desired.” After the user has done so, according to Dworkin, the system presents a template for the user to fill in and thus “tell the system the criteria to be deemed minimum requirements.” Then the Dworkin system searches the database for all products or services which

Appl. No. : 09/213,138
Filed : December 16, 1998

“fulfill the minimum requirements.” The cited text goes on to say that the system associates a number with each product that can be used to obtain more information. Using the number, the user may obtain a list of suppliers for the product, the best prices for the product or more detailed information about the product. However, Dworkin does not teach or suggest, in the cited text or any other section, “associating a product page file identifier as a parameter of the competitor product hyperlink, the product page file including information that describes a second product that corresponds to and competes with the first product.” Applicant respectfully maintains that Dworkin fails to teach or suggest that limitation. For this reason alone, Dworkin fails to teach each and every limitation of Claim 22.

Further, the Examiner stated that Dworkin does not teach the “product page file including associating a product page file identifier.” Applicant notes, however, that Claim 22 does not recite a “product page file including associating a product page file identifier.” Regardless, the Examiner relied on Official Notice that “a product page file including associating a product page file identifier” is old and well known in the commerce arts as a file extension acting as a file identifier. The Examiner’s reliance on that Official Notice is immaterial as Claim 22 does not recite a “product page file including associating a product page file identifier.” Thus, Applicant respectfully disagrees with the Examiner’s use of Official Notice. Even if file extensions were well known, that notion does not show how or why it would have been obvious to implement the product page file subject matter actually recited in Claim 22. Applicant respectfully maintains that the recited product page file subject matter would not have been obvious. Further, Applicant respectfully maintains that it would not have been obvious to implement a method for obtaining information about a product using a competitor product hyperlink by associating competitor product identification information as a displayable component of a competitor product hyperlink where the competitor product identification information is displayable on a computer screen to identify a first product and further associating a product page file identifier as a parameter of the competitor product hyperlink where the product page file includes information that describes a second product that corresponds to and competes with the first product. Applicant respectfully maintains that Dworkin, alone or in combination with Gregory, does not disclose, teach or suggest these limitations of Claim 22.

Appl. No. : 09/213,138
Filed : December 16, 1998

Claim 22 also includes the limitation “responding to the selection by issuing a request for the product page file.” The Examiner noted that Dworkin does not teach the product page file. However, the Examiner argued that Gregory teaches a product page file at 4:66-5:21 and 5:65-6:30. More specifically, the Examiner argued that the Gregory “abstract” is the equivalent of a product page file. Applicant respectfully disagrees. Rather than teaching a product page file “including information that describes a second product that corresponds to and competes with the first product,” Gregory teaches merely that “the abstract on the commerce server is a brief representation of content server data sufficient to enable the user to make an informed decision as to whether to seek additional information from the appropriate content server.” Applicant has reviewed both Dworkin and Gregory in their entireties, including the cited portions above, and can discern no teaching or suggestion of responding to the selection by issuing a request for the product page file where the product page file includes information that describes a second product that corresponds to and competes with the first product.

Applicant respectfully maintains that Dworkin, considered alone or in combination with Gregory and Official notice, fails to teach or suggest all the limitations of Claim 22. Specifically, alone or in combination, they fail to teach or suggest a method for obtaining information about a product using a competitor product hyperlink, the method comprising: associating competitor product identification information as a displayable component of a competitor product hyperlink, the competitor product identification information displayable on a computer screen to identify a first product; associating a product page file identifier as a parameter of the competitor product hyperlink, the product page file including information that describes a second product that corresponds to and competes with the first product; displaying the competitor product identification information on a computer screen; selecting at least a portion of the displayed competitor product identification information; and responding to the selection by issuing a request for the product page file.

As such, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 22 under 35 U.S.C. § 103.

7. Claim 24 Is Allowable Over Dworkin, Considered Alone Or In Combination With Gregory And Official Notice

Claim 24 reads as follows:

24. A method for obtaining information about a product using a competitor product hyperlink, the method comprising:

associating competitor product identification information as a displayable component of a competitor product hyperlink, the competitor product identification information displayable on a computer screen to identify a first product;

associating a product identifier as a parameter of the competitor product hyperlink, the product identifier identifying a second product that corresponds to and competes with the first product;

displaying the competitor product identification information on a computer screen;

selecting at least a portion of the displayed competitor product identification information; and

responding to the selection by automatically using the product identifier to request information about the second product.

The Examiner cited Dworkin at 2:6-33 to argue that “Dworkin teaches information that describes a second product that corresponds to and competes with the first product the competitor product hyperlink.” The Examiner presented the exact same argument in his comments with regard to Claim 22. The Examiner’s argument is again flawed in at least two ways. First, Applicant notes that Claim 24 does not recite “information that describes a second product that corresponds to and competes with the first product the competitor product hyperlink.” As such, the Examiner’s argument is immaterial to any argument that Dworkin teaches the recited claim limitations in Claim 24. Second, Applicant has reviewed the cited text and respectfully maintains that the text does not teach or suggest at the least “associating a product identifier as a parameter of the competitor product hyperlink, the product identifier identifying a second product that corresponds to and competes with the first product.” Rather, the cited text teaches that a user “must first tell the system the general type of product or service desired.” After the user has done so, according to Dworkin, the system presents a template for the user to fill in and thus “tell the

Appl. No. : 09/213,138
Filed : December 16, 1998

system the criteria to be deemed minimum requirements.” Then the Dworkin system searches the database for all products or services which “fulfill the minimum requirements.” The cited text goes on to say that the system associates a number with each product that can be used to obtain more information. Using the number, the user may obtain a list of suppliers for the product, the best prices for the product or more detailed information about the product. However, Dworkin does not teach or suggest, in the cited text or any other section, “associating a product identifier as a parameter of the competitor product hyperlink, the product identifier identifying a second product that corresponds to and competes with the first product.” Applicant respectfully maintains that Dworkin fails to teach or suggest that limitation. For this reason alone, Dworkin fails to teach each and every limitation of Claim 24.

Further, the Examiner stated that Dworkin does not teach the “product page file including associating a product page file identifier.” Applicant notes, however, that Claim 24 does not recite a “product page file including associating a product page file identifier.” Regardless, the Examiner relied on Official Notice that “a product page file including associating a product page file identifier” is old and well known in the commerce arts as a file extension acting as a file identifier. As was the case above with respect to the Examiner’s argument in Claim 22, the Examiner’s reliance on that Official Notice is immaterial as Claim 24 does not recite a “product page file including associating a product page file identifier.” Thus, Applicant respectfully disagrees with the Examiner’s use of Official Notice. Even if file extensions were well known, that notion does not show how or why it would have been obvious to implement the product identifier subject matter actually recited in Claim 24. Applicant respectfully submits that the recited product page file subject matter would not have been obvious. Further, Applicant respectfully submits that it would not have been obvious to implement a method for obtaining information about a product using a competitor product hyperlink by associating competitor product identification information as a displayable component of a competitor product hyperlink where the competitor product identification information is displayable on a computer screen to identify a first product and further associating a product identifier as a parameter of the competitor product hyperlink where the product identifier identifies a second product that corresponds to and competes with the first product. Applicant respectfully maintains that

Appl. No. : 09/213,138
Filed : December 16, 1998

Dworkin, alone or in combination with Gregory, does not teach or suggest these limitations of Claim 24.

Claim 24 also includes the limitation “**responding to the selection by automatically using the product identifier to request information about the second product.**” The Examiner noted that Dworkin does not teach selection using the product identifier. However, the Examiner argued that Gregory teaches “product identification information by disclosing the selection of the SKU.” Applicant respectfully disagrees with the Examiner’s characterization of the recited claim. The Examiner’s reliance on Gregory is misplaced at least because the recited limitation calls for using “the product identifier” rather than “product identification information” to request the information about the second product. Though Gregory teaches the use of a SKU to identify a product, it fails to even remotely suggest, much less teach, “responding to the selection by automatically using the product identifier to request information about the second product” where the product identifier identifies “a second product that corresponds to and competes with the first product.” Applicant has reviewed both Dworkin and Gregory in their entireties, including the cited portions above, and can discern no teaching or suggestion of responding to the selection by issuing a request for the product page file where the product page file includes information that describes a second product that corresponds to and competes with the first product.

Applicant respectfully maintains that Dworkin, considered alone or in combination with Gregory and Official notice, fails to teach or suggest all the limitations of Claim 24. Specifically, alone or in combination, they fail to teach or suggest a method for obtaining information about a product using a competitor product hyperlink, the method comprising: associating competitor product identification information as a displayable component of a competitor product hyperlink, the competitor product identification information displayable on a computer screen to identify a first product; associating a product identifier as a parameter of the competitor product hyperlink, the product identifier identifying a second product that corresponds to and competes with the first product; displaying the competitor product identification information on a computer screen; selecting at least a portion of the displayed competitor product identification information; and responding to the selection automatically using the product identifier to request information about the second product.

Appl. No. : 09/213,138
Filed : December 16, 1998

As such, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 24 under 35 U.S.C. § 103.

8. Claims 2-6 Are Allowable Over Dworkin, Considered Alone Or In Combination With Gregory And Official Notice

Claims 2-6 each depend ultimately from Claim 1 and, because Dworkin, considered alone or in combination with Gregory and Official Notice, does not disclose, teach or suggest each and every limitation of Claim 1, then collectively, they also fail to disclose, teach or suggest each and every limitation of Claims 2-6. Thus, for at least the reasons provided above in connection Claim 1, the cited references do not render obvious Claims 2-6.

In addition, Applicant respectfully disagrees with the Examiner's use of Official Notice in regards to the features of Claim 2. Specifically, Applicant disagrees that the feature of "a second dynamic page file for generating a second electronic store page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product database, said second data included in said second electronic store page, said second dynamic page file stored on said computer readable medium" is old and well known in the art as "using a split [sic] screen consisting of two competing product web sites." Applicant's claims do not recite "using a split screen consisting of two competing product web sites," thus the Official Notice is immaterial.

Applicant respectfully disagrees with the Examiner's use of Official Notice in regards to the features of Claim 3 for the same reasons as recited above with respect to Claim 2.

Finally, Applicant respectfully disagrees with the Examiner's rejection of Claim 6. Claim 6 includes the limitation "**a cost savings form on said electronic store page, said cost savings form receiving competing cost information about said competing product, said customer browser transmitting said cost information to said page server.**" In support of the argument that Dworkin in view of Official Notice renders this limitation obvious, the Examiner cited to Dworkin at the abstract, the Figures 6 and 7 and the text at 1:62-2:51. The Examiner argued that "Dworkin teaches competing cost information about said competing product, said customer browser transmitting said cost information to said page server." Applicant respectfully disagrees. While Dworkin shows a list of products and their respective prices, Dworkin does not teach or suggest that a browser transmits cost information to a page server.

Appl. No. : 09/213,138
Filed : December 16, 1998

Applicant also disagrees with the Examiner's first use of Official Notice with regard to the features of Claim 6. The Examiner stated that Dworkin "fails to teach a cost savings form on said electronic store page." The Examiner then relied on Official Notice that "this feature of a cost savings form on said electronic store page is old and well known in the e-commerce art and / or retail art of sales with cost savings advertising of "beating all the competition by 10%." However, the Examiner's reliance on this Official Notice is misdirected. A generic advertising campaign proclaiming that prices are lower than the competition is in no way related to a cost savings form on an electronic store page where the cost savings form receives competing cost information about the competing product and the customer browser transmits the cost information to the page server.

Claim 6 also includes the limitation that "**second instructions in said dynamic page file for comparing said competing cost information and said product cost information to calculate cost savings information, said product information server providing said savings information to said customer.**" The Examiner again relied on Dworkin (specifically, Figures 6 and 7) and Official Notice that this limitation is rendered obvious. Applicant again respectfully disagrees. Figures 6 shows one possible format by which the Dworkin system displays the results of a Dworkin search. The products listed on this screen all have a common attribute, such as printer speed. Once a printer from this screen is selected, information of vendors for this particular printer is displayed in Figure 7. However, Dworkin does not teach *second instructions in said dynamic page file for comparing said competing cost information and said product cost information*. For this reason alone, Applicant respectfully requests the Examiner's rejection to Claim 6 be withdrawn.

The Examiner stated that Dworkin "fails to teach the feature of calculating the cost savings information, said product information server providing said savings information to said customer." The Examiner relied upon Official Notice that calculating the cost savings information is equivalent to cost savings advertising as presented above. This reliance on that Official Notice is again misplaced because calculation of price savings is not the same as advertising a broad statement that the competition is more expensive. In addition, it could not be obvious, as argued by the Examiner, "to implement this feature for the advantage of saving the consumer of having to actually do the cost saving calculations" because neither Dworkin, nor the

Appl. No. : 09/213,138
Filed : December 16, 1998

Examiner's Official Notice, teach or suggest a cost savings form on an electronic store page where the cost savings form receives competing cost information about the competing product and the customer browser transmits the cost information to the page server and further comprises second instructions in the dynamic page file for comparing the competing cost information and the product cost information to calculate cost savings information where the product information server provides the savings information to the customer.

For the above reasons, Applicant maintains that Dworkin in view of the Official Notice taken by the Examiner does not render Claim 6 obvious under 35 U.S.C. § 103. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 6.

In summary, for these reasons, and the reasons provided above, Applicant respectfully requests the Examiner to withdraw the rejections of Claims 2-6 under 35 U.S.C. § 103.

9. Claims 8-10 Are Allowable Over Dworkin, Considered Alone Or In Combination With Gregory And Official Notice

Claims 8-10 each depend ultimately from Claim 7 and, because Dworkin, considered alone or in combination with Gregory, does not disclose, teach or suggest each and every limitation of Claim 7, then collectively, they also fail to disclose, teach or suggest each and every limitation of Claims 8-10. Thus, for at least the reasons provided above in connection Claim 7, the cited references do not render obvious Claims 8-10.

Further with respect to Claim 8, the subject matter directly recited by Claim 8 includes “**processing instructions in said page file to use said identifier to obtain data representing a corresponding product.**” Dworkin nowhere teaches or suggests selecting a hyperlink identifying a product to obtain data representing a corresponding product, and certainly nowhere discloses including instructions to do so in a page file. To support the argument that Dworkin discloses that subject matter, the Examiner cites text from Dworkin at 7:43-49 and 8:9-20. But those columns refer only to information about a supplier of a chosen product, and not in any way to selecting a hyperlink identifying a product to obtain data representing a corresponding product. Nor does Dworkin teach or suggest any instructions in a page file for doing so. Thus Dworkin fails to disclose, teach or suggest that subject matter, and, for that additional reason, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 8 under 35 U.S.C. § 103.

Appl. No. : 09/213,138
Filed : December 16, 1998

With respect to Claim 9, Applicant disagrees with the Examiner's use of Official Notice. The Examiner stated that Dworkin does not disclose "at least one manufacturer hyperlink operatively associated with a manufacturer identifier representing a manufacturer and operatively associated with a second page file identifier representing a manufacture product list page file." But the Examiner argued that this feature is well known in the commerce arts "by using a file extension for the second page file identifier to represent a manufacturer product list page file." Even if "file extensions" were well known, that does not show how or why it would have been obvious to implement the manufacturer hyperlink recited in Claim 9. Applicant respectfully submits that the manufacturer hyperlink would not have been obvious. For that reason, and all the reasons provided as to why Dworkin, alone or in combination with Gregory, does not teach or suggest each and every limitation of Claim 7, Applicant maintains that Claim 9 would not have been obvious.

Finally, Applicant also disagrees with the Examiner's use of Official Notice with regard to the features of Claim 10. The Examiner stated that Dworkin does not disclose a manufacturer identifier. But the Examiner again argued that this feature is well known in the commerce arts "by using a file extension." Applicant cannot see, however, how knowledge of file extensions somehow shows how or why it would have been obvious to implement the manufacturer identifier recited in Claim 10. Applicant respectfully maintains that the recited manufacturer identifier would not have been obvious. For that reason, and all the reasons provided as to why Dworkin, alone or in combination with Gregory, does not disclose, teach or suggest each and every limitation of Claims 7-9, Applicant submits that Claim 10 would not have been obvious. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 8-10 under 35 U.S.C. § 103.

10. Claims 12-13 Are Allowable Over Dworkin, Considered Alone Or In Combination With Gregory And Official Notice

Claims 12-13 depend ultimately from Claim 11 and, because Dworkin, considered alone or in combination with Gregory, does not disclose, teach or suggest each and every limitation of Claim 11, then collectively, they also fail to disclose, teach or suggest each and every limitation of Claims 12-13. Thus, for at least the reasons provided above in connection Claim 11, the cited references do not render obvious Claims 12-13.

Appl. No. : 09/213,138
Filed : December 16, 1998

Moreover, Claim 12 additionally recites: **a cost savings form including at least one text entry field for accepting competing cost information related to the cost of said competing products and including a cost savings hyperlink, the cost savings hyperlink referencing a corresponding product page file for transmitting information about a difference in cost between said products and said competing products, the cost savings hyperlink including an identifier representing a corresponding product and at least one cost identifier representing said competing cost information.** The Examiner stated that Dworkin does not disclose a cost savings hyperlink as recited above. But, the Examiner argued that in commerce arts the well known “cost savings advertising of ‘beating all the competition by 10%’” indicates it would have been obvious to implement this feature. Applicant respectfully disagrees with the Examiner’s reliance on that Official Notice. Even if “cost savings advertising” was well known, it does not show how or why it would have been obvious to implement the cost savings hyperlink structure recited in Claim 12. Applicant respectfully maintains that the cost savings hyperlink structure would not have been obvious.

Further, Applicant also respectfully disagrees with the Examiner’s reliance on Official Notice in regards to Claim 13. The Examiner stated that Dworkin does not teach form placement instructions for generating said cost savings form. But the Examiner argued that this feature is well known in the commerce arts without citing any documentary evidence. Even if instructions for generating said cost savings form were well known, the Examiner nowhere explains how that knowledge somehow shows why it would have been obvious to implement the instructions recited in Claim 13. Applicant respectfully submits that the recited instructions for generating the cost savings form would not have been obvious. For these reasons, and all the reasons provided above as to why Dworkin, alone or in combination with Gregory, does not disclose, teach or suggest each and every limitation of Claim 11, Applicant submits that Claim 12 and also Claim 13, which depends from Claim 12, would not have been obvious. Applicant disagrees with the Examiner’s use of Official Notice in regards to these two claims and respectfully requests that the Examiner withdraw the rejection of Claims 12 and 13 under 35 U.S.C. § 103.

11. Claim 16, As Previously Presented, Is Allowable Over Dworkin, Considered Alone Or In Combination With Official Notice

Claim 16 reads as follows:

16. A method for retrieving information about a product using information about another product, said method comprising:

- a step for storing information on a first set of products;
- a step for storing information on a second set of products;
- a step for storing an association between the first set of products and the second set of products said association representing product equivalency;
- a step for establishing communication between a client computer and a server computer;
- a step for transmitting a product identifier to the server computer, the product identifier representing a first product, the first product in the first set of products; and
- a step for receiving, in response to the step for transmitting, competing product information describing a second product, the second product in the second set of products.

Claim 16 recites a step for transmitting a product identifier representing a first product and a step for receiving -- in response to the transmitting step -- competing product information describing a second product. Dworkin fails to teach or suggest that subject matter. To support the obviousness argument, the Examiner first argued that Dworkin teaches a second set of products, citing Dworkin Figures 6 and 8 and text at 1:53-68 and 2:19-41. Applicant has reviewed the cited figures and text and can not find the recited claim limitation. Specifically, the Examiner argued that “best available price” discloses competing products.” Citing Dworkin at 1:53-68. However, the cited text refers to competing products “meeting a set of specifications” which stands in contrast to Applicant’s claimed second set of products where there is an association between the first product set and the second product set and the association represents product equivalency.

The Examiner stated that Dworkin does not disclose transmitting a product identifier representing a product, and *then, in response, receiving competing product information that describes a different product.* The Examiner uses Official Notice that such a feature is old and

Appl. No. : 09/213,138
Filed : December 16, 1998

well know in the art. Applicant respectfully disagrees with the Examiner's use of that Official Notice. The Examiner argues that Dworkin at 2:25-30 and 7:7-16, 37-40 implies the above limitation. Nothing in that cited text of Dworkin even remotely relates to the claimed steps of transmitting a product identifier and receiving competing product information that describes a different product.

Applicant has been unable to find anywhere in the cited text, nor in the rest of Dworkin, any teaching, suggestion or even implication of the above limitations. Thus, Applicant maintains that Dworkin, alone or in combination with Official Notice, fails to teach or suggest each and every limitation of Claim 16, and thus Applicant respectfully requests that the Examiner withdraw the rejection of Claim 16 under 35 U.S.C. § 103.

12. Claim 17 Is Allowable Over Dworkin, Considered Alone Or In Combination With Official Notice

Claim 17 depends ultimately from Claim 7 and, because Dworkin, considered alone or in combination with Gregory, does not teach or suggest each and every limitation of Claim 7, then collectively, they also fail to teach or suggest each and every limitation of Claim 17. Thus, for at least the reasons provided above in connection with Claim 7, the cited references do not render obvious Claim 17.

In addition, Applicant disagrees with the Examiner's use of Official Notice with respect to the features of Claim 17. The Examiner stated that Dworkin does not teach a computer readable medium for storing instructions. But the Examiner argued that this feature is well known in the commerce arts. Applicant respectfully notes that the Examiner has not provided documentary evidence supporting his claim of Official Notice. Even if a computer readable medium for storing instructions was well known, that does not show how or why it would have been obvious to implement the computer readable medium recited in the context of Claim 17. Applicant respectfully maintains that the computer readable medium would not have been obvious. For that reason, and all the reasons provided above as to why Dworkin, alone or in combination with Gregory, does not disclose, teach or suggest each and every limitation of Claim 7, Applicant submits that Claim 17 would not have been obvious. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 17 under 35 U.S.C. § 103.

Appl. No. : 09/213,138
Filed : December 16, 1998

13. **Claim 18 Is Allowable Over Dworkin, Considered Alone Or In Combination With Official Notice**

Claim 18 depends ultimately from Claim 11 and, because Dworkin, considered alone or in combination with Gregory, does not teach or suggest each and every limitation of Claim 11, then collectively, they also fail to teach or suggest each and every limitation of Claim 18. Thus, for at least the reasons provided above in connection Claim 11, the cited references do not render obvious Claim 18.

Applicant notes that the Examiner used Official Notice is a similar manner to address Dworkin's failure to teach a computer readable medium as found in Claim 17. As such, Applicant hereby disagrees with the Examiner's use of that Official Notice with respect to the features of Claim 18 for the same reasons as found in the section entitled "Claim 17 Is Allowable Over Dworkin, Considered Alone Or In Combination With Official Notice," above. As such, Applicant respectfully request the Examiner to withdraw his rejection of Claim 18 under 35 U.S.C. § 103.

14. **Claim 19 Is Allowable Over Dworkin, Considered Alone Or In Combination With Official Notice**

Claim 19 reads as follows:

19. A competitor product hyperlink comprising:

competitor product identification information displayable on a computer screen, the competitor product identification information identifying a competing product;

a page file identifier identifying a corresponding product page file, the corresponding product page file including information that describes a second product that corresponds to and competes with the competing product; and

a product identifier identifying the second product.

The Examiner argued that Dworkin teaches information that describes a second product that corresponds to and competes with the competing product. However, Applicant respectfully disagrees. Dworkin does not teach or suggest information that describes a second product that corresponds to and competes with the competing product. Rather, Dworkin teaches information that describes *suppliers* of a certain product or service. A list of suppliers of a *certain* product is different than a list of products that *correspond to and compete with* a certain product.

Appl. No. : 09/213,138
Filed : December 16, 1998

Applicant also disagrees with the Examiner's use of Official Notice with respect to the features of Claim 19. The Examiner stated that Dworkin does not disclose a page file identifier identifying a corresponding product page file, the corresponding product page file including a product identifier identifying the second product. But the Examiner argued that this feature is well known in the commerce arts by using a file extension. Once again, even if "file extensions" were well known, that does not show how or why it would have been obvious to implement the product file identifier structure recited in Claim 19. Applicant respectfully submits that the product file identifier structure would not have been obvious. For these reasons, Dworkin, alone or in combination with Official Notice, does not disclose, teach or suggest each and every limitation of Claim 19. Applicant respectfully maintains that Claim 19 would not have been obvious and respectfully requests that the Examiner withdraw the rejection of Claim 19 under 35 U.S.C. § 103.

15. Claims 20-21 Are Allowable Over Dworkin, Considered Alone Or In Combination With Official Notice

Claims 20-21 depend ultimately from Claim 19 and, because Dworkin, considered alone or in combination with Official Notice, does not teach or suggest each and every limitation of Claim 19, then collectively, they also fail to teach or suggest each and every limitation of Claims 20-21. Thus, for at least the reasons provided above in connection with Claim 19, the cited references do not render obvious Claims 20-21.

Applicant also disagrees with the Examiner's use of Official Notice with respect to the features of Claims 20-21. The Examiner stated that Dworkin does not disclose computer readable medium storage. But the Examiner argued that computer readable medium storage is old and well known in the commerce arts. Even if "computer readable medium storage" was well known, that notion does not show how or why it would have been obvious to implement the computer readable medium as recited in the context of Claim 20. Applicant respectfully maintains that the computer readable medium storage would not have been obvious. Further, Applicant respectfully maintains that it would not have been obvious to use a computer readable medium storing instructions which, when processed by a computer, access the competitor product hyperlink as described in Claim 19 and display on a computer display the competitor product identification information. For these reasons, and all the reasons provided as to why

Appl. No. : 09/213,138
Filed : December 16, 1998

Dworkin, alone or in combination with Official Notice, does not disclose, teach or suggest each and every limitation of Claim 19, Applicant submits that Claims 20-21 would not have been obvious. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 20-21 under 35 U.S.C. § 103.

16. Claim 23 Is Allowable Over Dworkin, Considered Alone Or In Combination With Official Notice

Claim 23 depends ultimately from Claim 22 and, because Dworkin, considered alone or in combination with Official Notice, does not teach or suggest each and every limitation of Claim 22, then collectively, they also fail to teach or suggest each and every limitation of Claim 23. Thus, for at least the reasons provided above in connection Claim 22, the cited references do not render obvious Claim 23.

Applicant also disagrees with the Examiner's use of Official Notice in regards to the features of Claim 23 for the same reason as found in the above section entitled "Claims 20-21 Are Allowable Over Dworkin, Considered Alone Or In Combination With Official Notice." For these reasons, and all the reasons provided as to why Dworkin, alone or in combination with Official Notice, does not disclose, teach or suggest each and every limitation of Claim 22, Applicant submits that Claim 23 would not have been obvious. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 23 under 35 U.S.C. § 103.

17. Claim 25 Is Allowable Over Dworkin, Considered Alone Or In Combination With Official Notice

Claim 25 depends ultimately from Claim 24 and, because Dworkin, considered alone or in combination with Official Notice, does not disclose, teach or suggest each and every limitation of Claim 24, then collectively, they also fail to disclose, teach or suggest each and every limitation of Claim 25. Thus, for at least the reasons provided above in connection Claim 24, the cited references do not render obvious Claim 25.

Applicant also disagrees with the Examiner's use of Official Notice in regards to the features of Claim 25 for the same reason as found in the above section entitled "Claims 20-21 Are Allowable Over Dworkin, Considered Alone Or In Combination With Official Notice." For these reasons, and also all the reasons provided as to why Dworkin does not teach or suggest each and every limitation of Claim 24, Applicant submits that Claim 25 would not have been

Appl. No. : 09/213,138
Filed : December 16, 1998

obvious. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 25 under 35 U.S.C. § 103.

CONCLUSION

For the reasons stated above, Applicant respectfully requests that the Examiner withdraw the rejections of Claims 1-25 and pass this Application to issuance. If there is any further impediment to allowance, the Examiner is respectfully invited to telephone Applicant's attorney, the undersigned, at (949) 721-2994, or at the telephone number provided below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/9/05


By:

Douglas G. Muehlhauser
Registration No. 42,018
Attorney of Record
Customer No. 20,995
(949) 760-0404

1757705
060805